

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
DREW SCIENTIFIC, INC.,

Plaintiff,

Civil Action No.: 08 CV 1490

-against-

**MOTION TO ADMIT COUNSEL  
PRO HAC VICE**

POINTCARE TECHNOLOGIES, INC.,

Defendant.  
-----X

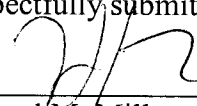
PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Court for the Southern District of New York, I, Howard M. Miller, a member in good standing of the bar of this Court, hereby moves for an Order allowing the admission pro hac vice of:

Michael P. Twohig  
125 Summer Street  
Boston, MA 02110  
(617) 345-3000

MICHAEL P. TWOHIG is a member in good standing of the Bar of the State of Massachusetts. There are no pending disciplinary proceedings against MICHAEL P. TWOHIG in any State or Federal court. Opposing counsel consents to this motion.

February 28, 2008

Respectfully submitted,

  
\_\_\_\_\_  
Howard M. Miller  
Bond, Schoeneck and King, PLLC  
Attorneys for Defendant  
1399 Franklin Avenue, Suite 200  
Garden City, New York 11530  
Phone: (516) 267-6318  
Fax: (516) 267-6301

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Plaintiff,

Civil Action No.: 08 CV 1490

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**MOTION TO ADMIT COUNSEL  
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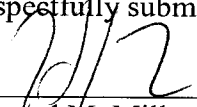
PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Court for the Southern District of New York, I, Howard M. Miller, a member in good standing of the bar of this Court, hereby moves for an Order allowing the admission pro hac vice of:

Andrew F. Caplan  
125 Summer Street  
Boston, MA 02110  
Tel: (617) 345-3205  
Fax: (617) 345-3299

ANDREW F. CAPLAN is a member in good standing of the Bar of the State of Massachusetts. There are no pending disciplinary proceedings against Andrew F. Caplan in any State or Federal court. Opposing counsel consents to this motion.

February 28, 2008

Respectfully submitted,

  
\_\_\_\_\_  
Howard M. Miller  
Bond, Schoeneck and King, PLLC  
Attorneys for Defendant  
1399 Franklin Avenue, Suite 200  
Garden City, New York 11530  
Phone: (516) 267-6318  
Fax: (516) 267-6301

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DREW SCIENTIFIC, INC.,

Plaintiff,

-against-

POINTCARE TECHNOLOGIES, INC.,

Defendant.

-----X

Civil Action No: 08-CV- 1490 (AKH)

**AFFIDAVIT OF HOWARD M. MILLER  
IN SUPPORT OF MOTION TO ADMIT  
ANDREW F. CAPLAN AND MICHAEL  
P. TWOHIG AS COUNSEL PRO HAC  
VICE**

STATE OF NEW YORK                    )  
  )       ss:  
COUNTY OF NASSAU                 )

HOWARD M. MILLER, being duly sworn, here deposes and says as follows:

1. I am a member of the law firm of Bond, Schoeneck & King, PLLC, counsel for the Defendant in the above-captioned action. I am familiar with the proceedings in this case. I make this affidavit in support of the Defendant's motion to admit Andrew F. Caplan and Michael P. Twohig as counsel pro hac vice to represent the Defendant in this matter.
2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in 1991. I was also admitted in May of 1993 to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.
3. Mr. Caplan and Mr. Twohig are both attorneys in the law firm of Burns & Levinson in Boston, Massachusetts. Both Mr. Caplan and Mr. Twohig are in good standing with the state courts in Massachusetts. (Exhibit "A" hereto)

4. Mr. Caplan and Mr. Twohig are known to be a skilled attorneys and persons of integrity. They are experienced in Federal practice and are familiar with the Federal Rules of Civil Procedure.
5. Accordingly, I am pleased to move the admission of Andrew F. Caplan and Michael P. Twohig, pro hac vice.
6. Per the Individual Rules of this Court, opposing counsel consents to this motion.
7. I respectfully submit a proposed order granting the admission of Andrew F. Caplan and Michael P. Twohig, pro hac vice, which is attached hereto as Exhibit "B".

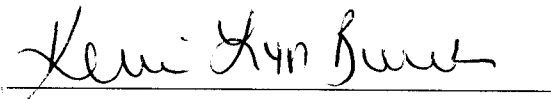
WHEREFORE it is respectfully requested that the motion to admit Andrew F. Caplan and Michael P. Twohig, pro hac vice, to represent Defendant in the above-captioned matter, be granted.

Respectfully submitted,



HOWARD M. MILLER (HM: 4538)

Sworn to before me  
28<sup>th</sup> day of February, 2008



**Kerri Lyn Burch**  
**Notary Public, State of New York**  
**No. 01BU6176969**  
**Qualified in Nassau County**  
**Commission Expires November 5, 2011**

## COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

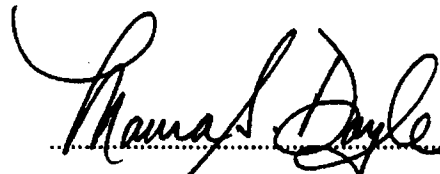
BE IT REMEMBERED, that at the Supreme Judicial Court holden at Boston within and for said County of Suffolk, on the fifteenth day of December A.D. 1993, said Court being the highest Court of Record in said Commonwealth:

Andrew F. Caplan

being found duly qualified in that behalf, and having taken and subscribed the oaths required by law, was admitted to practice as an Attorney, and, by virtue thereof, as a Counsellor at Law, in any of the Courts of the said Commonwealth: that said Attorney is at present a member of the Bar, and is in good standing according to the records of this Court\*.

In testimony whereof, I have hereunto set my hand and affixed the seal of said Court, this nineteenth day of February in the year of our Lord two thousand and eight.



  
MAURA S. DOYLE, Clerk

\* Records of private discipline, if any, such as a private reprimand imposed by the Board of Bar Overseers or by any court, are not covered by this certification.

## COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

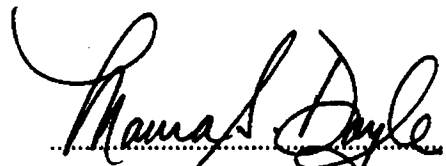
BE IT REMEMBERED, that at the Supreme Judicial Court holden at Boston within and for said County of Suffolk, on the **nineteenth** day of **January** A.D. **2001**, said Court being the highest Court of Record in said Commonwealth:

**Michael P. Twohig**

being found duly qualified in that behalf, and having taken and subscribed the oaths required by law, was admitted to practice as an Attorney, and, by virtue thereof, as a Counsellor at Law, in any of the Courts of the said Commonwealth: that said Attorney is at present a member of the Bar, and is in good standing according to the records of this Court\*.

In testimony whereof, I have hereunto set my hand and affixed the seal of said Court, this **nineteenth** day of **February** in the year of our Lord **two thousand and eight**.



  
MAURA S. DOYLE, Clerk

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

DREW SCIENTIFIC,	:	
	:	Civil Action No.: 08 CV 1490
Plaintiff,	:	
-against-	:	Judge Alvin K. Hellerstein
	:	
POINTCARE TECHNOLOGIES, INC.,	:	
	:	
Defendant.	:	

**ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION**

Upon the written motion of Howard M. Miller, attorney for the Defendant in the above-captioned case, and affidavit in support;

**IT IS HEREBY ORDERED** that

Andrew F. Caplan  
Burns & Levinson LLP  
125 Summer Street  
Boston, MA 02110  
Tel: (617) 345-3205  
Fax: (617) 345-3299  
[acaplan@burnslev.com](mailto:acaplan@burnslev.com)

Michael P. Twohig  
Burns & Levinson LLP  
125 Summer Street  
Boston, MA 02110  
Tel: (617) 345-3205  
Fax: (617) 345-3299  
[mtwohig@burnslev.com](mailto:mtwohig@burnslev.com)

are admitted to practice pro hac vice as counsel for Defendant in the above-captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated:

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United States District Judge



**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

DREW SCIENTIFIC,	:	
	:	Civil Action No.: 08 CV 1490
Plaintiff,	:	
-against-	:	Judge Alvin K. Hellerstein
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POINTCARE TECHNOLOGIES, INC.,	:	
	:	
Defendant.	:	

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Upon the written motion of Howard M. Miller, attorney for the Defendant in the above-captioned case, and affidavit in support;

**IT IS HEREBY ORDERED** that

Andrew F. Caplan  
Burns & Levinson LLP  
125 Summer Street  
Boston, MA 02110  
Tel: (617) 345-3205  
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[mtwohig@burnslev.com](mailto:mtwohig@burnslev.com)

are admitted to practice pro hac vice as counsel for Defendant in the above-captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated:

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United States District Judge